



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
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MEMORANDUM FOR DIRECTOR, FIELD OPERATIONS - EAST
DIRECTOR, FIELD OPERATIONS - WEST
DIRECTOR, TECHNICAL SERVICES

FROM: Beverly Ortega Babers \s\ *Beverly O. Babers*
Director, Policy and Valuation

SUBJECT: Interim Guidance - Revised Forms 872 and 872-A

The purpose of this memorandum is to provide interim guidance to Appeals employees when securing statute extensions on [Form 872](#), Consent to Extend the Time to Assess Tax, and [Form 872-A](#), Special Consent to Extend the Time to Assess Tax. This guidance will be used by Appeals Officers (AOs) and Appeals Team Case Leaders (ATCLs) and incorporated into [IRM 8.19.1](#), [IRM 8.19.5](#), [IRM 8.19.6](#), and [IRM 8.19.7](#) in the Appeals Pass-Through Entity Handbook, and [IRM 8.21.3](#) and [IRM 8.21.6](#) in IRM 8.21, Appeals Statute Responsibility. This Interim Guidance will remain in effect for one year from date of issue.

[Form 872-I](#), Consent to Extend the Time to Assess Tax As Well As Tax Attributable to Items of a Partnership, and [Form 872-IA](#), Special Consent to Extend the Time to Assess Tax As Well As Tax Attributable to Items of a Partnership, are now obsolete. These two consents included special language which covered items relating to TEFRA partnerships, including partnership items and affected items. This special language has now been incorporated in revisions to Forms 872 and 872-A. As a result, Forms 872-I and 872-IA should no longer be used and the newly revised Forms 872 and 872-A should be used.

Forms 872-I and 872-IA will be removed from ACDS forms and letters and the revisions to Forms 872 and 872-A will be added. However, until these changes are made on ACDS, the newly revised Forms 872 and 872-A should be completed and printed from the Publishing web site. Existing statute extensions on Forms 872-I and 872-IA and the older versions of Forms 872 and 872-A will still be valid once the revised versions of Forms 872 and 872-A are published.

The revised Forms 872 and 872-A extend the period for TEFRA partnerships only if the taxpayer has such interests. If they have such interests, then requesting a restriction related to those interests should follow normal review procedures for requests for restricted consents. Accordingly, any modifications to the revised Forms 872 and 872-A restricting their application will require the approval of Area Counsel before they are countersigned. See IRM 8.21.3.1.3.17 and IRM 25.6.22.8.

Care should be taken if the taxpayer's normal three year IRC 6501 statute has been previously extended:

- If the taxpayer's statute was previously extended using a Form 872-I or 872-IA, then the revised Form 872 or 872-A (Rev. 10-2009) can be used without modification.
- If the taxpayer's statute was previously extended using a Form 872 or 872-A (prior revisions) and the taxpayer has no partnership interests or the partnership interests are non-TEFRA, then the revised Form 872 or 872-A (Rev. 10-2009) can be used without modification.
- If the taxpayer's statute was previously extended using a Form 872 or 872-A (prior revisions) that did not include TEFRA language and the taxpayer has one or more TEFRA partnership interests, then the TEFRA language on the revised Forms 872 and 872-A (Rev. 10-2009) is invalid unless the IRC 6229 TEFRA statutes are open for the TEFRA partnerships:
 - If the TEFRA statute is open for the TEFRA partnerships, then the revised Form 872 or 872-A can be used without modification.
 - If the TEFRA statute is not open for the TEFRA partnerships, then the new TEFRA language included on the revised Forms 872 and 872-A is irrelevant. As such, the language should not be removed unless it is requested by the taxpayer. Careful consideration should be given as to whether the taxpayer has any unknown partnership investments before removing the language.

Extreme care must be taken if the taxpayer's representative is signing the consents. Form 2848, Power of Attorney and Declaration of Representative, must contain the TEFRA language as illustrated in IRM 8.19.6.5 authorizing the representative to handle the partnership and affected items.

If you have any questions concerning this guidance, please contact Steve Highfield or Mary Jo Cook, Technical Guidance Coordinators for TEFRA, or Leonard Horton, Program Analyst, Tax Policy & Procedure - Examination.

cc: www.irs.gov